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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5569 OF 2005

Vijaya Dilip Jadhav ... Petitioner

V/s.

Pune District Central Co-op. Bank ... Respondent

Mr.A.B. Kamble for Petitioner
Mr.V.B. Tapkir for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 28, 2005**

P.C.:

. This Petition challenges the order of the Industrial Court dismissing the complaint. The Petitioner had filed a complaint under Items 5 and 9 of Schedule IV of the MRTU & PULP Act complaining that persons who did not possess the requisite qualifications for being appointed as clerks had been taken in service by the respondent-bank. The Petitioner was appointed as a peon on a compassionate ground after the death of her husband who was in service of the bank. She claims that she should be promoted to the post of clerk since the bank had appointed others on compassionate ground to the post of clerks, without having the qualifications of having passed the GDC & A examination and a graduation degree. According to the Petitioner, she should be

promoted similarly although she did not possess the graduation degree when the complaint was filed and nor has she completed the GDC & A examination.

2. The Bank has filed an affidavit of Arun Shivajirao Kale, who is the General Manager In-charge. In paragraph 9 of this affidavit dated 5.10.2005, the affiant has stated thus:

> 9. I say that if the Petitioner will complete graduation from recognized university, the Bank is ready to relax the condition in respect of completion of GDC & A examination. I say that as soon as the Petitioner pass the graduation examination from the recognized university and if he produced the certificate to that effect, the Bank will appoint the Petitioner on the post of clerk on the same day. I say that there is no grudge in the mind of Bank about the Petitioner, but on the contrary bank is trying to give proper and fair opportunity to the Bank employee and trying to increase the standard of the Bank.

3. In view of these averments, I do not see any reason to interfere with the orders of the Industrial Court. However, the learned Advocate for the Petitioner states the Petitioner has completed her graduation in May 2005. The Resopndent will, therefore, consider her graduation certificate and implement the relaxation which they have offered in paragraph 9 of the affidavit.

5. Petition is disposed off accordingly.